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09/980,012	11/30/2001	Asako Hamada	21900/0043	9976

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EXAMINER

JOHNSON, ALAN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/980,012	Applicant(s) HAMADA ET AL.	
	Examiner Alan M. Johnson	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-16 rejected under 35 U.S.C. 102(e) as being anticipated by Boetje (6,198,906).

As for claim 1, Boetje discloses a program control information generator (105 Fig. 1), for a broadcasting station system for generating and transmitting program control Information from program information and schedule information, characterized by an input section (105 Fig. 1) for accepting inputs of the program information or the schedule information from a program organization apparatus (130, 135, 140 Fig. 1), a band adjustment section (105 Fig. 1) for adjusting a program control information amount with a band over (if the ball game runs over the allotted time, the system will compensate by removing the filler program that was located in-between the ball game and the program that was to start next or abruptly end the ball game transmission and

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start the next program, column 25 lines 27-56), and a storage section (110, 135, 140 Fig. 1) for storing the program information (record programming, column 5 lines 66 – column 6 line 4)

With respect to claim 2, Boetje discloses the program control information generator according to claim 1, characterized by a schedule adjustment section (105 Fig. 1), capable of setting a plurality of adjustment methods (atomic relationships column 6 lines 57- column 7 line 14, figure 3 and figures 4a-z)

As for claim 3, Boetje discloses the program control information generator according to claim 2, characterized in that the schedule adjustment section (105 Fig. 1) adjusts a schedule by preferentially setting program information for the day (12 noon is referred to as a future time meaning that program information is arranged before the program is to be displayed, column 18 lines 21-34).

Dealing with claim 4, Boetje discloses the program control information generator according to claim 2, characterized in that the schedule adjustment section (105 Fig. 1) adjusts a schedule by preferentially setting a later registered program (the auto follow function alters the start time of the program that is to begin after the current program ends by moving the beginning of the following program to the time when the current program ends column 6 lines 57-65).

In regards to claim 5, Boetje discloses the program control information generator according to claim 2, characterized in that the schedule adjustment section (105 Fig. 1) can resume a pre-adjustment schedule when it has changed schedule information preceding a schedule adjusted once (if the ball game runs over its allotted time, the following "filler" program will either be cut short or completely removed from the schedule, after this task has been completed the pre adjusted schedule will continue as normal at 20:00:00, column 25 lines 27-56).

Dealing with claim 6, Boetje discloses the program control information generator according to claim 5, characterized in that the schedule adjustment section (105 Fig. 1) can previously set priorities to a plurality of adjustment methods (the device has the ability to either show a filler program of various lengths after the ball game ends until the time of 20:00:00, which is when the next program, ER, begins, or the device may stop the ball game broadcast at 20:00:00 and start ER, column 25 lines 23-56).

With respect to claim 7, Boetje discloses the program control information generator according to claim 2, characterized in that the storage section (110, 135, 140 Fig. 1) retains original schedule information inputted from the program organization apparatus and schedule information after the schedule adjustment (column 5 line 65 – column 6 line 4).

As for claim 8, Boetje discloses the program control information generator according to claim 2, characterized in that the storage section (110, 135, 140 Fig. 1) retains program information erased on the schedule as a result of the schedule adjustment made by the schedule adjustment section (Initially the programming for broadcast is received though the satellite receiver (130 Fig.1) and stored in the V_TR (135, 136 Fig. 1) for later broadcast, all the manipulation of the programming happens with in the computer system (105) which does not alter the original programming data stored in the V_TR column 5 line 65 – column 6 line 4).

Dealing with claim 10, Boetje discloses the program control information generator according to claim 2, characterized in that, if section data to be transmitted exceeds the transmission band, the band adjustment section cuts program information so as to fit into the band (the ball game broadcast is cut short if it runs beyond the time of 20:00:00 column 25 lines 23-56).

In regards to claim 11, Boetje discloses the program control information generator characterized in that the band adjustment section is capable of changing an adjustment method by settings at the band adjustment (see claim 6).

Dealing with claim 12, Boetje discloses a program control information generator (105 Fig. 1) for a broadcasting station system for generating and transmitting program control Information from program information and schedule information, characterized

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by a difference detecting section (105 Fig. 1) for detecting and generating section data including only a difference from the previous generated section at a section generation when section data is generated from program information and program schedule information inputted from a program organization apparatus (When the ball game runs over, only the channel that the ball game was being displayed on is altered column 25 lines 23-56).

As for claim 13, Boetje discloses the program control information generator according to claim 12, characterized by a storage section (135, 140 Fig. 1) for storing the program information and a section generating section (105 Fig. 1) for sectioning by acquiring differential data from the storage section (Different filler program are inserted depending on the end time of the baseball program, column 25 lines 23-56).

Dealing with claim 14, Boetje discloses a program control information generator (105 Fig. 1) for a broadcasting station system for generating and transmitting program control information from program information and schedule information, characterized by a generation management section (130 Fig. 1) for collectively generating and outputting an information group which has been inputted in a plurality of pieces by the plural number of times when section data is generated from the program information and program schedule information inputted from a program organization apparatus (an information group being multiple program types such as news, weather, sports, can be pieced together in various ways depending on the length of time between their

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corresponding main clips, utilizing spot insertion, "filler" and "teaser" clips which are acquired separately from the main broadcasts column 5 line 65 – column 6 line 18).

As for claim 15, Boetje discloses the program control information generator according to claim 14, characterized by an input section (130 Fig. 1) for accepting inputs of the program information or the schedule information from the program organization apparatus and a section generating section (105 Fig. 1) for sectioning in response to an instruction of a section generation from the generation management section (105 Fig. 1 and column 21 lines 13-30)

With respect to claim 16, Boetje discloses the program control information generator according to claim 14, characterized in that the generation management section (105 Fig. 1) decides a priority order for the inputted information group and determines a generation or output order according to the priority order (the priority order of the commercial that is set is a lead in, a teaser and a close, column 22 lines 30-62).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Boetje in view of Green (5,073,930).

Regarding claim 9, Boetje discloses the program control information generator according to claim 2, that determines a timing for generating and transmitting section data from the program information (the device determines the timing by taking in to account what time the ball game could end and also what time it actually ends then generating and transmitting either the filler program to take up the extra space after the ball game if the game ends before 20:00:00, column 25 lines 23-56).

Boetje does not specifically teach the program control information generator according to claim 2, characterized in that the input section checks the program information completely at an input, having an error detecting function.

In an analogous art, Green discloses the input section (Fig. 1A) that checks the program information completely at an input, having an error detecting function (column 12 lines 35-45)

It would have been obvious to one of ordinary skill in the art to modify Boetje's system to include an error detecting function at the input in order to ensure that the received program data was error free.

Conclusion

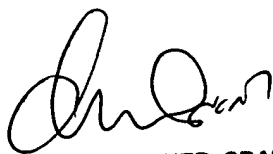
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan M. Johnson whose telephone number is (571)272-7916. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ



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